

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 RAYMOND J. BEAL,

5 Plaintiff,

6 v.

7 ROMEO ARANAS et al.,

8 Defendants.

Case No. 3:18-cv-00111-RCJ-WGC

ORDER

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10 **I. DISCUSSION**

11 On March 12, 2018, Plaintiff, then a prisoner in the custody of the Nevada
12 Department of Corrections (“NDOC”), initiated this prisoner civil rights action pursuant to
13 42 U.S.C. § 1983. (ECF No. 1). On January 28, 2019, this Court received mail returned
14 undeliverable noting that Plaintiff was “deceased.” (ECF No. 9). The Court entered an
15 order for Plaintiff’s successor or representative to file a motion for substitution within 90
16 days. (ECF No. 10).

17 Pursuant to Federal Rule of Civil Procedure 25(a)(1), “[i]f a party dies and the claim
18 is not extinguished, the court may order substitution of the proper party. A motion for
19 substitution may be made by any party or by the decedent’s successor or representative.
20 If the motion is not made within 90 days after service of a statement noting the death, the
21 action by or against the decedent must be dismissed.” Fed. R. Civ. P. 25(a)(1).

22 The 90-day period has passed and there has been no motion for substitution. As
23 such, the Court dismisses the case.

24 **II. CONCLUSION**

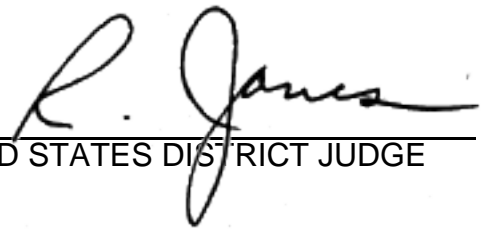
25 For the foregoing reasons, it is ordered that the Court dismisses this case pursuant
26 to Fed. R. Civ. P. 25(a)(1).

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1 It is further ordered that the Clerk of the Court shall enter judgment accordingly.

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3 DATED THIS 12th day of June, 2019.

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6 UNITED STATES DISTRICT JUDGE
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